

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mwati McKenzie,

Civil No. 07-4441 (PAM/JSM)

Plaintiff,

v.

ORDER

Joan Fabian, Commissioner of Corrections,
Lynn Dingle, Chief Correctional Officer, and
Mary McComb, Administrator,
in their individual or personal capacities,

Defendant.

This matter is before the Court on two Report and Recommendations (“R&R”) of Magistrate Judge Janie S. Mayeron, one dated June 9, 2009, and another dated August 13, 2009. In the June 9 R&R, Magistrate Judge Mayeron recommended that Plaintiff’s Motion to Voluntarily Dismiss be denied. In the August 13 R&R, Magistrate Judge Mayeron recommend that Defendants’ Motion for Summary Judgment be granted. Plaintiff failed to file objections to either R&R in the time period permitted. The Court therefore **ADOPTS** both R&Rs. (Docket Nos. 42 & 60).

Also pending before the Court is Defendants’ Second Motion to Extend the Trial Date. Because Defendants’ Motion for Summary Judgment is granted and Plaintiff’s claims are dismissed, the Motion to Extend the Trial Date is dismissed as moot.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Mayeron's R&Rs (Docket Nos. 42 & 60) are **ADOPTED**;
2. Plaintiff's Motion to Voluntarily Dismiss (Docket No. 34) is **DENIED**;
2. Defendants' Motion for Summary Judgment (Docket No. 19) is **GRANTED**;
and
3. Defendants' Second Motion to Extend Trial Date (Docket No. 57) is **DENIED as moot**; and
4. The Complaint (Docket No. 1) is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Friday, September 11, 2009

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge